

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICO

In Re:

**CONFESOR ARROYO NEGRON
NELIDA RODRIGUEZ ALVARADO**

Debtor(s)

Case No.: **04-12821 SEK** *APB*

Chapter 13

TRUSTEE'S MOTION TO DISMISS

TO THE HONORABLE COURT:

NOW COMES José R. Carrión, Chapter 13 Trustee, through the undersigned attorney, and very respectfully alleges and prays:

1. The Debtor(s) failed to attend the 341 Meeting scheduled in violation of Bankruptcy Rule 4002.
2. The Debtor(s) failed to commence making payments under the proposed plan in violation of what is required pursuant to 11 U.S.C. §1326(a)(1).
3. There is CAUSE for this case dismissal as the Debtor(s) is (are) in material default with respect to the terms of the confirmed plan (or proposed plan). As of **February 01, 2005** the default is equal to **\$190.00**, or 1 month(s). 11 U.S.C. §1307(c)(6)
4. There is CAUSE for this case dismissal as the above described default and/or situation constitutes an unreasonable delay prejudicial to creditors. 11 U.S.C. 1307(c)(1)

WHEREFORE the Trustee respectfully prays that this motion be granted and that an order dismissing this case be entered for *cause* pursuant to 11 U.S.C. §1307(c) for the reasons herein set forth.

30 DAYS NOTICE: In accordance with local *General Order No. 97-01*, the Debtor(s), all Creditors and Parties in Interest in this case, are hereby notified that unless an opposition to this motion to dismiss is submitted in writing within **30** days from the date appearing in the certificate of service, infra, the Court may grant this motion, or convert the case to a Chapter 7, without a hearing.

CERTIFICATE OF SERVICE: Pursuant to Bankruptcy Rule 2002(f) The Chapter 13 Trustee herewith certified that a copy of this motion has been served by regular US Mail on this **same date to:** the DEBTOR(s) and her/his/their attorney, to all Creditors and to all Parties in Interest, to their respective address of record as they appear in the attached Master Address List.

In San Juan, Puerto Rico this 8 day of February, 2005.

JOSE R. CARRION
CHAPTER 13 TRUSTEE
P.O. Box 9023884, Old San Juan Station,
San Juan, P.R. 00902-3884
Tel (787) 977-3535
FAX (787) 977-3550

By: *[Signature]*

65-2 PM 8-33102

RECEIVED AND FILED
U.S. DISTRICT COURT
SAN JUAN, P.R.

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2/10/05

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FOR THE DISTRICT OF PUERTO RICO

In Re:

**CONFESOR ARROYO NEGRON
NELIDA RODRIGUEZ ALVARADO**

Case No.: **04-12821 SEK**

Chapter 13

Debtor(s)

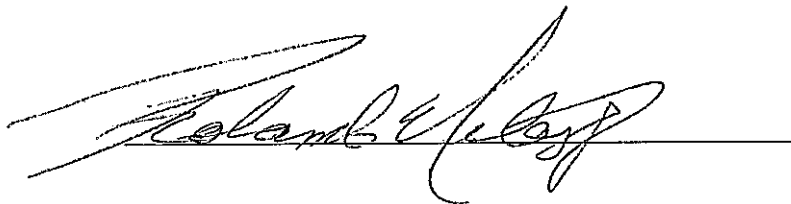
**AFFIDAVIT FOR DEFAULT JUDGEMENT
PURSUANT TO SECTION 201(b)(4)
OF THE SERVICEMEMBERS CIVIL RELIEF ACT OF 2003**

I, ROLANDO MELÉNDEZ, clerk for the Chapter 13 & 12 Trustee's Office, declare under penalty of perjury, the following:

That according to the enclosed certification, provided by the Department of Defense Manpower Data Center (DMDC), the Debtor(s) is (are) not in active duty or under call to active duty as a member (s) of the Army, Navy or Air Forces of the United States of America; the National Guard; the Public Health Service or the National Oceanic and Atmospheric Administration.

To certify the above statement I sign this affidavit,

In San Juan, Puerto Rico, February 01, 2005 .

A handwritten signature in dark ink, appearing to read "Rolando Meléndez", is written over a horizontal line.



Military Status Report

Pursuant to the Servicemen's Civil Relief Act of 2003

«Last Name	First	Middle	Begin Date	Active Duty Status	Service/Agency
ARROYO	CONFESOR				
Currently not on Active Military Duty, based on the Social Security Number and last name provided.					

Upon searching the information data banks of the Department of Defense Manpower Data Center, the above is the current status of the Defendant(s), per the Information provided, as to all branches of the Military.

A handwritten signature in black ink that reads "Robert J. Brandewie".

Robert J. Brandewie, Director

Department of Defense - Manpower Data Center

1600 Wilson Blvd., Suite 400

Arlington, VA 22209-2593

The Defense Manpower Data Center (DMDC) is an organization of the Department of Defense that maintains the Defense Enrollment and Eligibility Reporting System (DEERS) database which is the official source of data on eligibility for military medical care and other eligibility systems.

If you have information that makes you feel that the DMDC response is not correct, please fax your response to 703-696-4156 or call 703-696-6762 and further research will be done. For personal privacy reasons, SSNs are not available on this printed results page. Requesters submitting a SSN only receive verification that the SSN they submitted is a match or non-match.



Military Status Report

Pursuant to the Servicemen's Civil Relief Act of 2003

Last Name	First	Middle	Begin Date	Active Duty Status	Service/Agency
RODRIGUEZ	NELIDA				
Currently not on Active Military Duty, based on the Social Security Number and last name provided.					

Upon searching the information data banks of the Department of Defense Manpower Data Center, the above is the current status of the Defendant(s), per the Information provided, as to all branches of the Military.

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Robert J. Brandewie, Director
Department of Defense - Manpower Data Center
1600 Wilson Blvd., Suite 400
Arlington, VA 22209-2593

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The undersigned hereby certifies that a true copy of the foregoing document was mailed by first class mail to the parties listed below:

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SAN JUAN, PR

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US POST OFFICE & COURTHOUSE
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JUAN O CALDERON LITHGOW
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DEPARTMENT OF TREASURY
PO BOX 9024140

VEGA BAJA PR

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FIRSTBANK DE PR/WESTERN AUTO
BANKRUPTCY DIVISION
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